

Remarks

Reconsideration of the rejection of the present application under 35 USC 112 and 35 USC 102(b) is hereby requested.

Applicants hereby affirm the election of Species I, figures 1, 2, 4 and 9. Claims 7 – 18 stand withdrawn without prejudice.

Claims 1 – 6 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Independent claim 1 has been amended to correct a typographical error and the claim is now believed correct. Withdrawal of the rejection of the claims under 35 USC 112 is earnestly solicited.

Claims 1 – 4 and 6 stand rejected under 35 USC 102(b) as being anticipated by the '430 patent to Andersen. Independent claim 1 has been amended to recite that the gripping members are resilient, a teaching not shown or suggested by the Andersen reference, nor any other reference. Examiner states that column 3, line 67 teaches "material selection". This is not correct. Andersen only teaches that the "spacer tubes" are resilient so that the "connecting rod 26" may be pushed therethrough. The spacer tubes are not sheet engaging members! There is no such suggestion of resilient sheet engaging members, and as such, are not as functional and efficient as Applicants' invention. The sheet gripping members 25 of Andersen are "without distortion", as recited in column 3, line 64 and 65, thus teaching away from Applicants' invention. Such non distortable sheet engaging

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members 25 are required in Andersen, because the members 25 have receiving bores 27 through which the connecting rod 26 passes. The connecting rod 26 is utilized to lift the gripping members 25 from a sheet of material. If those gripping members 25 were resilient, they would not respond well to movement of the connecting rod 26. Therefore, Andersen cannot have such resilient members 25.

Such a similar aspect is taught in the Dudley reference, since the rollers/wedging pieces may be "magnetically movable" (see col. 3, lines 1-2 of the '782 Dudley reference). Magnetic material is typically not resilient, certainly there is no such teaching in Dudley.

Claims 1, 2 and 5 stand rejected as anticipated under 35 USC 102(b) by the '782 reference of Dudley. However, Dudley does not suggest nor show any resilience of the wedging pieces 16. They are joined by pins and would suffer the same problems as Andersen's if they were resilient.

The claims are therefore believed to have been amended to overcome the rejections under both 35 USC 112 and 35 USC 102(b). As such, they are believed to be allowable. Such action is now solicited and passage to allowance is requested.

Respectfully submitted,  
  
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